

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES,	)	
	)	
v.	)	
	)	Criminal No. 01-10348-DPW-1
PAUL LOZIER,	)	
Defendant.	)	
	)	

ORDER FOR TRANSFER TO THE UNITED STATES SUPREME COURT

For the reasons stated below, Mr. Lozier's March 27, 2006 Motion is ordered transferred to the Supreme Court of the United States.

BACKGROUND

By Judgment dated January 11, 2006, the United States Court of Appeals for the First Circuit affirmed the sentence imposed on Paul J. Lozier, Jr., now an inmate at FCI Fort Dix. See United States v. Lozier, No. 05-1680 (1<sup>st</sup> Cir. Jan. 11, 2006).

On March 27, 2006, Mr. Lozier filed with this district court his self-prepared motion seeking "Leave to Proceed in Forma Pauperis for a Writ of Certiorari without payment of cost, and to proceed in Forma Pauperis with the filing of his brief." Although the pleading was mailed in an envelope addressed to the district court, the case caption directs the pleading to the Supreme Court of the United States.

DISCUSSION

Mr. Lozier clearly seeks to file a petition for writ of certiorari with the Supreme Court of the United States. Pursuant to Rule 13 of the Rules of the Supreme Court of the United

States, Mr. Lozier has a right to petition the Supreme Court for a writ of certiorari within ninety (90) days after his conviction was affirmed on direct appeal. The question of Proceedings "*in forma pauperis*" is governed by Rule 39 of the Rules of the Supreme Court. Accordingly, transfer of this pleading to the Supreme Court of the United States is warranted in the interests of justice, pursuant to 28 U.S.C. § 1631 (providing that if a court lacks jurisdiction over an action, that court may transfer such action to any other court in which the action could have been brought at the time it was filed or noticed, if it is in the interests of justice, and the action shall proceed as if it had been filed on the date upon which it which it was actually filed in the transferee court).

Consequently, I will order that Mr. Lozier's motion be transferred to the Supreme Court of the United States, in the interests of justice pursuant to 28 U.S.C. § 1631, for such further proceedings as that court deems appropriate.

CONCLUSION

Based on the foregoing, it is hereby ORDERED that Mr. Lozier's March 27, 2006 motion be TRANSFERRED to the Supreme Court of the United States.

SO ORDERED.

April 7, 2006  
DATE

/s/ Douglas P. Woodlock  
DOUGLAS P. WOODLOCK  
UNITED STATES DISTRICT JUDGE